

REMARKS

SPECIFICATION

Applicant has changed the title of the invention to PIPE COUPLING as suggested by the Examiner.

CLAIMS

Claims 1-3, 5-15, and 19-26 were previously presented. In the present amendment Claim 1, and Claims 21-26 have been canceled without prejudice and Claims 27-38 have been added. Thus, after entry of the present amendment, Claims 2-3, 5-15, 19-20, and 27-38 will be pending.

Claim Objections

Claims 1 and 19-22 were objected to for the following alleged informality: Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. The Examiner requires appropriate corrective action.

Applicant has cancelled Claims 1 and 21-22 and amended Claims 19 and 20 as indicated herein, and respectfully submits that the objection has been overcome. However, in this regard, 37 CFR 1.75(i) states, "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation." (emphasis added) Further in this regard, the MPEP at 608.01(m) indicates that there is no set statutory form for claims. Accordingly, although it may be appropriate for Applicant to have separated each element or step by a line indentation, the Applicant is not required to do so to meet the statutory requirements as set forth in the Patent Rules.

Therefore, Applicant respectfully submits that Claims 19 and 20 were in proper form as originally filed. However, in an effort to further advance the prosecution of this application,

Applicant has amended Claims 19 and 20 as required by the Examiner to include line indentations to separate each element or step. Applicant believes that changes made to the claims to overcome the Examiner's objection affect only the form of the claims and not the scope or substance thereof. In other words, Applicant respectfully submits and intends that the foregoing formal change (regarding line indentation) does not affect, limit, or narrow in any way the subject matter covered by the claims.

Allowable Subject Matter

The Examiner has indicated that Claims 2 and 8-15 are objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten Claims 2, 8, and 10 in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 2 (Claims 3, 5-7, and New Claim 33 dependent thereon), Claim 8 (Claim 9 dependent thereon), and Claim 10 (Claims 11-15 dependent thereon) are therefore in condition for allowance, notice whereof is respectfully requested of the Examiner.

Claim Rejections 35 U.S.C § 102

Claims 19 and 20 were rejected under 35 U.S.C. (b) as allegedly being anticipated by U.S. Patent No. 4,865,362, to Holden, or U.S. Patent No. 5,053,097, to Johansson et al.

Claims 19 and 20 have been amended to further include the limitation of Claim 2. Accordingly, no new matter has been added as the female structure of Claims 19 and 20 further includes "an inwardly projecting engagement element at its leading edge acting between said first and said second pieces of pipe to increase the force necessary to disengage said pipe pieces from each other following assembly." Accordingly, Applicant submits that the inwardly

projecting engagement element of the female structure of Claims 19 and 20 is not taught or made obvious by Holden and/or Johansson et al or any other cited reference, alone or in any permissible combination. Accordingly, Claim 19 (New Claims 27-²⁹~~32~~ and 34 depending thereon) and Claim 20 (New Claims 30-32 and 35 depending thereon) are therefore in condition for allowance, notice whereof is respectfully requested of the Examiner.

In addition, Applicant has “refiled” Claims 1, 19, and 20 (in their form prior to the amendments set forth above) as new Claims 36-38. As explained below, Applicant respectfully requests reconsideration of the Examiner’s rejections of those claims. Applicant understands that the present relevant rejections are anticipation, (102(b)) rejections based on Johansson ‘097 and Holden ‘362.

Regarding the Examiner’s rejections based on the Johansson ‘097 patent, Applicant respectfully traverses those rejections. Among other things, the ‘097 patent does not disclose Applicant’s male and female members configured to “ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure” as recited in Applicant’s New Claims 36-38. Instead, it appears that the ‘097 patent requires welding (such as by a mandrel 15 and fixture 19, col. 2, l. 20) in any and all of its various configurations. Nowhere does the joint use any “compressive force” between a male and female member to prevent inadvertent disengagement of the two. For example, Johansson’s Figs. 5-7 (showing the “final” configuration of that patent) does not show any way that a compressive force can be imposed by one end on the other.

Regarding the Examiner’s rejections based on the Holden ‘362 patent, Applicant also respectfully traverses those rejections. Among other things, the ‘362 patent does not disclose

Applicant's "a plurality of pipe segments each having a similar size and shape sidewall corrugation pattern along its length" as recited in New Claims 36-38.

In contrast to Applicant's invention of Claims 36-38, the pipe pieces of the Holden's invention must be manufactured with distinct female and male connections. The Holden specification states, "By forming the convolutions with different configurations at each end, the convolutions at one end interlock with the convolutions at the other end to form a closed loop continuous hose." (Col. 1, l. 52-55, emphasis added).

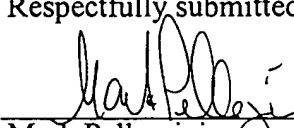
In contrast, Applicant's invention facilitates ease of manufacturing, as a single size and shape and sidewall pattern of pipe may be produced. Just as Holden does not disclose or make obvious Applicant's inventions as set forth in Claims 36-38, none of the other art of which Applicant is aware discloses or makes obvious those inventions, alone or in any permissible combination.

In view of the amendments and remarks set forth above, it is thought that the application including Claims 2-3, 5-15, 19-20, and 27-38 is now in condition for allowance, notice whereof is respectfully requested of the Examiner.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Respectfully submitted,

Date: Jan 20, 04



Mark Pellegrini
Reg. No. 50,233
J. Mark Holland & Associates,
a Professional Law Corporation
3 Civic Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259

JMH:MAP/las

Enclosures

Z:\WINWORD\DELME\P2739\2739AMD4.DOC